

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	No. 3:09-CR-00258
	)	Chief Judge Haynes
	)	
BERNARD THOMAS GARRETT	)	

**AGREED ORDER OF DISMISSAL**


The above-referenced case came before this Honorable Court on October 4, 2012 on a Petition for Warrant for Offender Under Supervision (Docket No. 50). Since the filing of the petition, the defendant has undergone a psychiatric evaluation at the Bureau of Prisons' Federal Medical Center in Butner, North Carolina; the results of that evaluation have been filed under seal with this Court (Docket No. 87). The parties have no objections to the findings contained in that report, as evidenced by their signatures below and the filings at Docket Nos. 91 and 93.

Based upon the evaluation, and the fact that undersigned counsel concur with its findings, this Court finds that the defendant currently is not competent to understand the nature and consequences of the proceedings filed against him or to assist properly in his own defense and that there is not a substantial probability that his competency will be restored in the foreseeable future. Moreover, this Court finds that as a result of the defendant's mental condition, his release from custody would create a substantial risk of harm to others or to the property of others. As such, this Court **dismisses** the Petition for Warrant for Offender Under Supervision (Docket No. 50) **solely for reasons related to the mental condition of the defendant and the defendant is now subject to the provisions of Title 18 U.S.C. section 4246.**

Pursuant to Title 18 U.S.C. section 4246, the staff at the Federal Medical Center at Butner, North Carolina has advised the Court that they intend to request that the State of Tennessee assume responsibility for the care and custody of the defendant within their mental health care system. If the State of Tennessee does not assume responsibility for the care and custody of the defendant, the staff at the Federal Medical Center at Butner, North Carolina has advised the Court that they intend to file a certificate of dangerousness in the United States District Court or the Eastern District of North Carolina to stay the release of the defendant and to initiate civil commitment proceedings concerning the defendant, pursuant to Title 18 U.S.C. section 4246(a). If civilly committed, the staff at the Federal Medical Center at Butner, North Carolina has advised the Court that they intend to develop a conditional release plan pursuant to which the defendant may be safely returned to the community.

In sum, due to the defendant's current mental state as outlined above, this Court orders that the pending supervised release violation (Docket No. 50) be **DISMISSED solely for reasons related to the mental condition of the defendant.**

IT IS SO ORDERED.

  
WILLIAM HAYNES  
PRESIDING JUDGE  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

BY AGREEMENT:

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